

TRUTH and REASON
AGAINST
PLACE and PENSION;

BEING
A Candid Examination of the Pretensions and Assertions
of the SOCIETY held at the
CROWN and ANCHOR,

AND
Of similar ASSOCIATIONS in various Parts of
the Metropolis.

ADDRESSED TO
JOHN REEVES, Esq.

AND
HIS ASSOCIATES.

W^m Hughes

THE SECOND EDITION.

The author of Justice to a Judge.

L O N D O N:

PRINTED FOR JAMES RIDGWAY,
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1793.

TRUTH AND REASON

ANALYST

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AGAINST

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S I R,

YOU, I think, was the leader of the illustrious undertaking to preserve the peace of the capital. Your great motive is known, and perhaps *best* known to yourself. The mode of effecting this great purpose was, in appearance and promise, the most rational and effectual that could be devised, namely, by developing the dark designs of a set of daring men, who were endeavouring, partly by seditious publications, and in part by secret correspondencies, to destroy the political constitution of our country.

Here was, 1st, the bugbear (or rather the nature of the bugbear) held up to public view; and, 2d, the means of crushing the monster in embryo.

But, before we are justified in proceeding, it must be asked when, in what instances, and in what parts of the metropolis, there existed any flagrant violations, or threatened violations of the public peace? Where were we to look for these combinations of enemies to the constitutional repose of the people? For, till these be pointed out, your case is not warranted. The public mind has been wound up, by your suggestions, to expect a long detail of plots and intended assassinations. To your *disinterested* and indefatigable exertions the public eye has been directed to look for the detection of half a million of daggers on their way from Birmingham. To your honest zeal we

were to be indebted for the timely discovery of preparations for blood and slaughter, such as eye had not seen, ear had not heard, nor had it ever entered into the heart of man to conceive. And what have the parturient groans of the mountain produced? Two or three little mice, called Printers and Publishers, who have been nibbling at the core of corruption. No facts, of the nature you described, have been instanced; no enemies to our king and parliament been revealed. Like pretenders to medical skill, you have affirmed the presence of disease, to obtain the credit of a cure.

Such being manifestly the fact---you can scarcely expect any longer to retain the attention of the public: nor should I notice you at present, but for the purpose of further exposing that particular band of associates, of which you are the patriotic leader.

All the parochial and other societies, that have lately started up in obedience to your immaculate example, have been modestly and honestly content with dealing only in *general* reasons for their union; have given only the court cant of the day—"the danger of the constitution,"—as a plea for their confederation. And a very sufficient plea it would be, was it founded in fact. But you, Sir, and your honourable friends, have been hardy enough to quit the beaten path of generals; and what is the discovered consequence?—your feet were instantly in a bog; you were bemired by the deceitful rottenness of your false foundation.

The particulars, which you have very daringly ventured upon, I now proceed to examine:

1st. "It appears (you say) from *history*, that the inequality of rank in this country is more the result of every man's own exertions, than of any controlling institution of the state."

"Controlling institution of the state" is a very vague phrase. Whether rank or distinction be, or be not a *control*, I shall soon shew. How far it is an "*institution of the state*," has never been ascertained. "From the reign of Edward 3. to Henry 7, it was expressly stated, in every new patent of the creation of a peer, that such creation was made with the *consent of parliament*; nor did a single instance

instance occur during this period, of any title being granted without the *particular acquiescence* of the House of Lords.* Nor is it discoverable how, or when, this became a prerogative of the crown. And yet, the Marquis of Caermarthen, in the same debate, calls it an "*indisputable right*." We boast of a constitution; by which is meant, or should be meant, a given established fundamental list of the limited rights and powers of every party in the government. If we had such a list, such a constituted definition of power, how could the noble lords disagree about it; disagree too, though both on the same side of the question in the debate †? But the intent of your very loose assertion is evidently to make the people believe that titles are no more than, nor otherwise conferred than as, the just rewards of merit.—I wish it were the fact—

“ O that estates, degrees, and offices,
Were not derived corruptly, that clear honour
Were purchased by the merit of the wearer!
How many then should cover that stand bare?
How many be commanded that command?”

“Titles,” says an elegant writer, “make a greater distinction than is almost tolerable to a British spirit. They almost vary the species; yet, as they are oftentimes conferred, seem not so much the rewards, as the substitutes, of merit §.” Thus too another admired author says:—“A peerage was, in former days, an honour conferred upon such as had rendered themselves conspicuous for their merit, and eminent for their virtues; but, in the more modern ages it has been, in general, the wages of iniquity and corruption, and a distinction not to be purchased at a smaller price than everlasting infamy and disgrace ||.” History, “history,” to which you have the confidence to refer us, tells me that Charles II. conferred the following

* Duke of Richmond in the debate relative to the dishonour sustained by the peers in admitting Lord George Germain to a seat in the house.

† It is contended by Mr. Adams, in his attempted Reply to Mr. Paine, (latey quoted by the Attorney General) that our constitution is a body of *principles*, not of *articles*. Upon the ground of principle I presently examine it.

§ Shenstone, Essay 28.

|| Babler. No. 13.

titles upon seven of his bastards, viz. Duke of Monmouth, Earl of Plymouth, Duke of Southampton, Duke of Grafton, Duke of Northumberland, Duke of St. Alban's, Duke of Richmond—besides others upon several of his mistresses. So much for the *merit* of the peerage. As to the control in the practice of this prerogative—the same history informs me, that Queen Anne (under the influence of three ministers, whose bad conduct to the public, and ingratitude to herself, at length broke her heart) created twelve peers in one day; and this too for the very honourable purpose of enabling her to give a gloss to a peace, which lessened the victories and degraded the exertions of the illustrious Duke of Marlborough.

So much for the control resulting from this prerogative. I will not mention the history of our own times; but here I cannot forbear to remark, what is generally understood upon this point—namely, that all the royal prerogatives are sacred trusts, reposed in the crown by the people, to be exercised only for *their benefit*.

The second assertion that you have risked is,—that “sound equity is realised to us by the *firm administration* of the law* ; which suffers no injury to go without a remedy, and *affords* a remedy equally to the *proudest* and the *poorest*.” Now, really, Sir, this is too bare-faced; it is monstrous. It is an assertion, which almost every man, who has been a few years in possession of any portion of property, can from experience contradict; it is the very particular, which, of all others, I thought you must most avoid. The particular, which has ever been the cause of the serious, and of the best founded complaint, to every class of our citizens. Can we enter Westminster-hall, during the sitting of the courts, without hearing the groans of the suitors, without witnessing Mr. Dryden's lamentation—

“That suits are travers'd, and so little won,
That he who conquers is but last undone.”

You are not content here with the *general* language of Mr. Justice Ashhurst, the late Judge Blackstone, and

* Does Mr. Reeves know the honest meaning of the word *law*. Law, in a free country, is the dictate of the public will. Are the laws of England dictated by the will of the people?

other

other lawyers, who state only that the *laws hold out* a remedy to every injury; but you must add, that such is the *firm administration* of the law, as to *afford* a remedy to every wrong.

I cannot but imagine, that you intended this either as a sarcasm upon the practice, or a satire upon the good sense of your countrymen. No man would seriously commit himself upon this point: more especially at this time, just in the very teeth of two publications*, fully in proof of the oppressions suffered by the public from this quarter.

But, Sir, as you have thought proper to be thus particular, I shall meet you on this particular ground—the “firm administration of the law.” It is the observation of Sir William Temple, in his Essay on Popular Discontents, (and indeed is very discoverable without his remark) that “the life of all laws is the execution of them.”

If I may be allowed to mention myself in the present argument, I cannot hesitate a moment to say, that my own sufferings, from the delays and oppressive demands of retributive justice, formed the first incentive in my mind to enquire into the nature of the British government.

I had long understood, that the reason of man's entering into society, was the safety of his person and the preservation of his property. That the benefits of a free government ought to be equal to all. That in such government, general laws for the protection of all classes of citizens must be so formed and so administered, as to answer every purpose of social liberty and equal justice. But when I applied these data to the practice of English law, I could scarcely believe that I had lived so long in the boasted land of Britain. This soon told me a very different tale; told me that there exist what are called privileged orders; classes of men whom law, in its common forms, cannot touch: men, in whose persons equal justice is offered up a sacrifice to imaginary honour.

* 1st. Explanation of the practice of law by Mr. Schiefer. A work which, at the same time conveys a hope of future justice to the people, and does eternal honour to the author, both as a barrister and a man.

2d. Barlow's Advice to privileged Orders. In these the absurdities, perversions, and oppressions of practical law are fully examined and exposed. The first printed for Phene, Inner Temple-Lane; the second for J. Ineson, St. Paul's.

Here too I learned, that in the general execution of the criminal laws (except in the law of libels *) any little quirk, quibble, or evasion, will form a sufficient shield against all their terrors. The following instances made me blush for the justice of my country. I wish, Sir, they may have the same effect upon you. "Sir Henry Ferrers having been arrested by a warrant which termed him a knight, though he was a baronet, his servant killed the officer: but it was decided that, as the warrant was an ill warrant, the killing an officer in executing that warrant, cannot be murder: wherefore he was found not guilty."—By stat. 1 Edw. VI. the benefit of clergy was denied to those convicted of stealing *horses*; but our judges soon afterwards determined that this did not extend to him who stole but *one horse*.

Three or four years ago, Winifred Gordon was indicted with her son, at Northampton assizes, as *accessary* before the fact of murder; the evidence turned out that she was *principal*. The case was argued before the twelve judges, and the indictment declared *bad*.

At a quarter sessions at Southampton last year, the following case was made special for the opinion of the judges. A man was convicted of feloniously stealing a wedding-ring from a married woman, upon an indictment laid in her own name; but it was urged in bar, that the ring was the property of the husband, and that the indictment ought to have been brought in his name. On this was rested the point of law reserved.

John Mayel was indicted for stealing a quantity of silver spoons, forks, &c. on the 20th of July last, at Ken-

* One of the charges against Paine was his assertion, that "with respect to regular law, there is (in England) scarcely such a thing." Though, if we may believe the two houses of parliament, the very process by which this charge was brought against him, was itself an *irregularity*; in as much as they have repeatedly called the law of libels an "*anomaly*."

Libellous offences are punished *gradatim*. Applied to persons of high rank, they are *scandalum magnatum*. To liken a Lord to Lucifer, is a most monstrous misdemeanor, an *infernal* outrage against the *state*. But, if crimes are to be weighed, not by their consequences to society, but by the *dignity* of the person offended, how ought we to punish the insults, the blasphemies daily practised (and by the great themselves) against the Deity?

† Coke's Reports.

ington palace, being the property of Lord Newhaven. The prisoner did not deny the fact, but objected that the property belonged to *Lady Newhaven*. This appearing to be the case, he was honourably acquitted*.

Here stands the "firm administration" of criminal law. We will now enquire how far the law is honestly efficient in civil cases.

Here also the same evasions, the same subtleties are practised. Here we discover boundless artificial difficulties, created for the sole purpose of rendering unintelligible, which is to control the conduct of all, and ought therefore to be well understood by all. Here we find far fetched forms of words, a multitude of technical terms, unmeaning distinctions, and quibbling refinements; and to perfect the "*glorious uncertainty*," every pitiful error relating to professional regulations, every little misnomer, or mispleading is made as fatal as a failure in evidence.

"† A man is obliged to risk 30, 40, nay, sometimes 50, 60, or 70 l. to recover forty shillings." But, supposing his well-steered bark to have escaped all these rocks and shoals, where does he find the port of retribution? Where is your promised remedy? And what are its consequences? "Does it apply the healing balsam to the wounded part, or does it torment the patient with the burning cautery? Does it raise the drooping spirits, or distract the injured brain ‡?"

Take a reply from Lord Lyttelton—"It is usually better for a man to lose his right than to sue for it §."

"The uncharitable, overbearing, oppressive way of managing disputes; unnecessary delays, and unreasonable designs of protracting and spinning them out even to the length of many men's lives; the expensive method of carrying them on, enough to sink a considerable fortune, and often ten times more than the value of the cause;—these things are a great discredit to the British Nation, and

* Any little misnomer, or defect in form, though allowed out of tenderness to life and liberty, to annul the whole process, is not much to the credit and advancement of national justice.

† Schiefer's Introduction.

‡ Schiefer's Introduction.

§ Persian Letters.

must excite very unfavourable ideas of us in the minds of foreigners *."

I might state many private instances in support of these remarks. But they want it not.—Besides, it will go more immediately to our purpose, to adduce one or two public cases; which not only directly contradict your bold position, but also incur indelible infamy both on the gratitude and justice of Great Britain.

The Goree prize-money, I am told, is not yet fully distributed. It occurs to me that, about two years ago, an advertisement appeared in the prints of the day, giving notice that a first payment was at that time preparing to be made to all such claimants as could then prove their claims. This was *ten years* after the capture.

The St. Eustatia capture is also, as I am informed, (in spite of Mr. Dundas's bill) not yet accounted for. Last, though not least in import, is the case of the forlorn claimants upon the Spanish Galleons, Ships taken in the year 1745-6. These prizes were taken by what were called the Royal Family privateers fitted out from Bristol in 1745, and bearing our king's commission. Their value was always understood to be about two millions sterling. When they were brought into Bristol, great indeed was the triumph of that port. Every seaman concerned in the gallant capture, imagined his fortune to be made. Their individual wealth, or presumed wealth, gave them instant credit in the country: and upon this credit, some contracted for slop-shops, some for small vessels, others for eating-houses, public-houses, &c. Each tired with his toil, would brave the billows of the deep no more—

"Hope with a goodly prospect fed the eye,

"Shew'd from a rising ground possession night."

But see the machinations of man! Lo! a blessing of the British Government! Scarce had they planned their future life,

"A golden dream of love and friendship;

But quick they wake, and like a merchant rous'd

From soft repose to see his vessel sinking,

And all his wealth cast o'er §."

* Richardson's Essays. p. 162.

† Dryden's Aurengzebe.

§ Dryden's All for Love.

find themselves way-laid, surrounded, and seized by the rude hand of ruffian power *. Vain was the plea of many a hard fought day; in vain they told of toils and dangers past; bared their bold breasts and shewed the honest scars of victory in vain. Forced from their fondest wishes, severed from every social tie, dragged from all that man holds dear, they are doomed to the dungeon or despotism; and driven like beasts to the slaughter; their only crimes being skill and intrepidity exerted with success †. Is this British liberty? Are these the returns we make to the defenders of our country?

By such *lawful* means very many of these claimants were got rid of. Time and (one of Shakespeare's curses) "the laws delay," have pretty well disposed of all the rest. Out of more than five hundred seamen, their remain only the claims of about thirty. The representatives of these have the confidence even still to look for justice. What could make a case of it in Chancery, I possess not legal understanding sufficient to discover. But there it has been almost *seven and forty years*.

They poor sufferers obtained a decree from Lord Hardwicke in 1752, which directed a part of the property to be (instantly, as they thought) divided; and their respective shares were adjudged to be three thousand pounds each: but, such are the marvellous contrivances of executive justice in this country, that not a penny has to this hour been paid.

"Laws bear the name, but money has the power,

"The cause is bad, whene'er the client's poor\$."

Twice have they been sold and betrayed by their attorneys. They are now in the hands of a man of cha-

* The owners and captains of the privateers employed press-gangs, through every quarter of the kingdom to seize these brave fellows, and to get them conveyed to parts of the world as distant as possible; giving ten guineas for every man thus disposed of.

† Dryden.

§ These daring privateers, under the brave Commodore Walker, attacked the *Gloriose*, a Spanish man of war, carrying 70 guns and 1600 men, a ship equal in force to any one then in the English line, and, after fighting her two days and nights, and the *Russel* man of war at length coming up to their assistance, made a prize of her; and she is added to the British navy.

rafter—Mr. Duncomb of Rathbone-Place. God send them a good deliverance *. Thus "*sound equity is realized to us.*"

And have you, sir, and your ministerial friends, with such an instance of national || treachery as this staring you in the face, the assurance to expect our seamen to come forward, in the hour of pretended danger, to shield you from the sword of neighbouring nations? Can they have an interest in defending such chicane and oppression as this? Their indignation is excited, they revolt at the idea; and the nation suffers in consequence.

A bounty of three pounds was heretofore sufficient to man our navy; at present even five pounds have very little influence.

And will the flower of the British youth, do you suppose, very cheerfully adopt a military life, to have their dangers thus requited. Will they become soldiers, will they take up the trade of murder, quit all family intercourse, relinquish all domestic enjoyments, be dragged from their homes, from their country, resign the birth-rights of Britons, abjure even the free-will of man, rendering themselves mere puppets, to be played and danced by every boy that shall be put in authority over them, in expectation of such a recompence? Will they submit to duties the most servile and laborious, to punishments the most cruel and disgraceful, with wages much below our day-labourers, in the hope, not of pillage or prize-money, but of a forty or fifty years suit in "*sound equity?*"

* How many honest hearts have been literally broken in the contemplation of this business! The woe-worn expectants still in being exist in the most penurious state; keeping little green stalls, crying oysters rolling barrows round the streets, &c. The best conditioned person among them is Mr. Bryan, Taylor, Adam and Eve-Yard, Tottenham-Court-Road.

|| I say *national*; because the duties of the governors and the governed are reciprocal, the people are to obey the laws, but the laws are also to protect the people. It is the business of the legislature, not only to provide good laws, but to see that those laws be duly and uprightly administered.

I think,

I think, Sir, (for I have it not before me) that the whole remainder of your fundamental address, which filled two columns of very close print in the Whitehall Evening Post, was employed in creating a jest for yourselves to laugh at; or, like children, dressing up a monster to excite your own artificial terrors; or, perhaps, something not quite so innocent as these,—in seeming seriousness, stating to the public attention a tenet that never could occupy the mind of common sense—namely—the *equality* of all *persons* and *property*. And this you endeavoured to saddle upon Mr. Thomas Paine. Now, Sir, Mr. Paine, as far as I comprehend his works, and I have read them all with much attention, never gives the least degree of countenance to any such doctrine. He teaches that men are born and always continue free and equal in respect of their natural rights; but that *civil distinctions*, as far as they are founded on *public utility*, are highly necessary: that difference of strength, of talents, and of industry, do and ought to afford proportionable distinctions of property, which, when lawfully acquired, is sacred and inviolable.

But you have dealt with Mr. Paine as the Spanish Inquisition does with heretics, have clothed him in a coat painted with hellish shapes of fiends, and thus shewn him to the public, to render him odious.

Mr. Paine condemns, justly condemns, the too great inequality of rank, of riches, and of labour, so prevalent in this country. “I do not mean what the *tools* of *government* would willingly fasten upon the friends of the people—an *equal division* of *property*. Superior talents, superior knowledge, and superior industry, ought, on the plainest principles of justice and equity, to enjoy superior advantages. Who would work that a stranger might enjoy the profit of his labour? Who would exert himself, if the accumulations of industry and frugality should be seized by the idle and the spendthrift? This would be a sure way to stop the progress of improvement in every department of arts, manufactures, agriculture, and commerce, and annihilate society itself. I mean (and it is Mr. Paine’s meaning) that some method should be adopted to prevent enormous accumulations of property in one hand,

or in one family, whereas, at present, we have laws expressly to *promote* this*."

Thus, Sir, have I uncloaked your fallacies, and detected your deceits. Thus have I demonstrated your intention in these assertions to be directed only to dupe and deceive the people; that you have earnestly employed yourself in doing that which you state to be the fundamental business of your associations to discover, expose, and punish in others.

Here I should end, having fully examined and refuted your first address; but, I find, that under the supposition of having established your honourable statements and avowed designs in the opinion of your country, you have proceeded to take upon yourself unheard of powers, to assume a dictatorial authority to proscribe whom you pleased. Instead of pointing out treasons, insurrections, and the danger of our civil and religious liberties, you have privately employed the public countenance to subvert the best interests of the public: that is, under pretence of counteracting Republicans and Levellers, (who, by the bye, never existed) you have traduced, have branded, have persecuted a set of men, whose patriotic design has been many years before the public, a design in which they possess the concurrence of Mr. Pitt and the duke of Richmond||. the late Marquis of Rockingham, the late Sir George Saville, and all the first public characters of the kingdom who have ever professed any friendship for the people—namely, to effect a reform in the construction of the House of Commons; and, this we say, is the first great interest of the people at large. Not of the electing *Commons* (the *people*, as they are now called), that is of a few in every *city* or *borough*, to represent all the rest; but we mean the people fully and wholly: we mean to include all; in your own words, to "afford a remedy equally to the poorest and the proudest;" solidly and substantially to give every man his natural right. To retain the birth-right, to give a consequence to the will and voice, even of the man who cries matches through the streets equal to that of the first duke

* Cooper's Reply to Burke's Invektive, p. 75.

|| But these honourable men were then out of place.

in the kingdom. This is our levelling system; this is also the Constitution of England: and the justice of it stands thus self-evident;—the poorest man entrusts his *all*, the richest can do no more; the security from oppression ought therefore to be equal *.

This is indeed a most important interest; that which, “of all others deserves the attention of the public, as it would include all other advantages which a nation can wish †.”

A man who seems to be the new appointed mouth-piece of your party, in an address to Mr. Wyndham, styled *The Associator*, after much illiberal aspersions, and many contemptible threats cast out upon printers, at length ventures to mention the Speech of Mr. Fox, at the Whig Club, December 4, 1792, which he tells us in *general* terms “is disapproved by every body who has a spark of understanding.” And yet the people at large have ever been accustomed to attribute a portion of common sense to Mr. Fox, Mr. Grey, Mr. Sheridan, &c.

One would have thought that, after this opening, he was proceeding to canvas the principles of that speech: but no; these principles are not, like your societies, the contrivance of the day, an invention to hoodwink the public eye: but they are the operative causes to which alone we can look up either for liberty or property; which are transcribed in the blood of our ancestors; and are to be found in *Magna Charta*. This speech, your friend is pleased to name as the kind of inflammatory paper which he means to denounce. But is he inclined to make no merciful distinction between the two sorts of inflamma-

* “I am convinced that the only way to make them (the people) feel that they are really concerned in the business, is to contend for their full, clear, and indisputable rights of universal representation. A vast majority of the community is unrepresented; and its most essential concerns, life, liberty, and property, continue in the absolute disposal of those whom they do not chuse, and over whom they have no control.”
Duke of Richmond's Letter to the Irish Volunteers.

† Duke of Richmond's Letter.

tories,—an inflammatory address to a good, as well as to a bad purpose? Mr. Fox's harangue was indeed nobly inflammatory, and had for its subject the most momentous of all considerations—*the lost rights of the people*.^{*}—But of this the ministerial champion takes no notice, and for this reason, because, however cheap he may hold the understanding of Mr. Fox, he cannot by an open manly reply controvert any part of the substance of this speech. He therefore wisely contents himself with touching only upon a few insignificant collaterals. However as these are the the peculiar papers, papers intended to preserve the purity of our constitution, that he means to prosecute; we trust that he will try his hand at this: he knows where to find the author.

He also, distributing your general assertions, tells us, that there are men “who have been bribed with French money to raise discontent and tumult in this kingdom †.” This is a charge easily made, and very serious in sound; but if he knows this to be true, why does not he “denounce” them? If he has such persons in his eye, why not expose them to the vengeance they merit; both in justice to the public, and in support of his own assumed character.

I have told you, Sir, that the persons with whom I have the honour to think, contend for the people's “full, clear, and indisputable right of universal representation ‡.” And here appears just now more than usual reason for this, as we hear ourselves called upon one day in the name of the *constitution*, another in the name of the *laws*, and again in the name of *government*. Sometimes it is the *lawful* government; at others it is the constitution by *law established*. This last is indeed the common phrase of your associators, and this is most perfect nonsense; it is making the law the author of the constitution; putting the end in place of the means §. Such loose phraseology goes a great way to shew that the matter spoken

* This speech is printed for Ridgway, Price 3d.

† It may fairly be presumed that the French have other employment at present for their money.

‡ Duke of Richmond to the Irish volunteers.

§ What shall be law depends solely upon the temper of the legislature, which is extremely variable; not so, we hope, the British constitution.

of is not at all understood. As to king, lords, and commons—these are only the *form*, and a good form they are. As to glorious constitution, excellent constitution, wonder of the world, &c.—this is all common-place stuff, general praise, amounting to—just nothing. Dare you to join me for a minute or two in a serious examination of our constitution? I have spent much time in considering it, but really know not where to look for it; know not where to look for a body of fixed, determinate, unpolluted *elemental principles* of government. As to Magna Charta, the Petition of Rights, the Bill of Rights, and the multitude of statutes enacted in confirmation of them, I defy you to point out a single principle of the least importance to the people at large, that has not been violated, repeatedly violated by *law*; notwithstanding the Great Charter (the basis of the whole) is by stat. 25 Edw. I. directed to be allowed as the common law; and by 43 Edw. III. all statutes made against it, and all judgments contrary to it, are declared void, and our watchful lords the bishops are directed twice a year to read it to the people, and to curse all those, who by *word, deed, or counsel*, shall in any degree infringe it. To what then is the subject's obedience demanded?—To law. What! to law, in opposition to the constitution?—The subject must obey the present government, and the existing laws. Is this a constitutional reply?

The people, sword in hand, forced from King John, in the year 1215, what, on account of its high importance, is called the Great Charter of Liberties.

Under this charter (says Lord Coke), *monopolies* of every kind, suppose the sole making of cards, or sole dealing in any trade, are against the liberty of the subject †. And yet how many of these have we?

Its directs an uniformity of weights and measures throughout the kingdom. A particular very necessary to the quiet of the subject; but wholly unattended to. In our last parliament, the want of it was well urged by Sir John Miller; in the present, we discover not sufficient patriotism even to contend for this point of convenience

† Be this principle recollected in the proposed renewal of the East-India charter.

to the public; but the people are every where obliged to enter upon a long train of local disputes to establish their own right. The benefits (or according to the cant of the day, *blessings*) of our free constitution ought to be *equal to all* . What then must become of the privileges claimed by particular orders of men? How can we continue game-laws, which Judge Blackstone calls a *tyranny* to the *commons* , and which (he says) owe their immediate original to *slavery* ? Or is our marriage act, and many others made to gratify the pique of individuals, consistent with this principle?—But, without searching further into the multitude that might be mentioned*, let us consider the two grand primary articles,—the liberty of person, and the security of property,—the high preservation of which you and your brethren are bold enough to boast of, and upon the inviolability of which our freedom is absolutely dependent. Upon these great points it says—“No subject shall be in any shape molested either in person or property, otherwise than by a *judgment* of his *equals* .”—Thus says the commentator, “the privileges of the individual became a settled axiom, a written law †.” And how was it adhered to in the seizure of Mr. Wilkes’s person and papers by the assumed authority of a secretary of state?

How it is secured under the powers of an attorney-general, who, by a pretended criminal information, may wantonly or wickedly draw an innocent man, with a long train of witnesses, from any quarter of the kingdom, keep him in the metropolis at an enormous expence, almost as long as he pleases, and at last perhaps drop the prosecution, saying that he was mistaken or misinformed? Here is no redress to be obtained for such despotism; because, as the king receives no costs from the subject, so he pays none. Nor is it any defence to say, that such power is not often employed to the purpose of oppression. We are now examining the principles of British liberty.

* Gaming is punished, in *gentlemen* , by fine, in *others* by fine and imprisonment.

Under the privilege of franking letters, the rich reap the benefit, the poor pay postage, &c. &c.

† Lord Coke.

And

And principles cannot be dependent upon the good-will of a public officer. It is not what the present man in office does, but what such officer *may* do, that constitutes the principle.

How is this principle preserved under the operation of the excise laws, which render us liable to have the privacy of our houses invaded at all hours, from various pretences, by officers under the sole control of the crown, and against whose conduct there is suffered no appeal to a jury of our equals? Here again to say, that the commissioners do not often assert their powers tyrannically, is no reply. "The true liberty of the subject consists not so much in the gracious behaviour, but in the limited power of the sovereign"*.

The executive government is bound to protect us in person and property, not only by Magna Charta, but also by the implied contract between king and people;—the former engages to protect, the latter promise allegiance, *i. e.* obedience to all *lawful* commands. And yet we find individuals, throughout the kingdom, obliged to combine in defending their respective properties by subscription, as every provincial newspaper points out.

And how is this principle of protection preserved by imprisonment for debt, impressing for seamen, &c.?

Necessity, state necessity, or any other necessity, is no plea for an outrage upon principle. The indignant reply ought ever to have been—that the ministers who could not meet and provide for the exigencies of their own times and measures, without violating the constitution, were unfit to conduct the national business ||.

Certain other auxiliary rights were said to be *established* as barriers, to perfect and maintain inviolate these two great primary rights, upon the inviolability of which our freedom is dependent:—Such as, 1st, "the constitution,

* Blackstone, Vol. IV.

|| Montesquieu observes that men are frequently led into error for want of recurring often to first principles. This shows the absolute necessity of essential, sacred, positive principles. This Mackintosh says, "the inviolability of principles is the palladium of virtue and of freedom."

powers, and privileges of parliament ;” which are yet undefined. 2d, “ That *limits, certainly known*, be set to the royal prerogative ;” and yet it is just now a dispute whether ministers have not exceeded the royal authority, in calling out the militia. And to vindicate these rights, when actually violated or attacked, Britains are entitled, 1st, to the regular administration and *free course* of justice in the courts of law, “ freely without sale, and speedily *without delay*.” Next to the right of petitioning the king and parliament for redress both of public grievances, and of individual wrongs, which the ordinary course of law does not reach. And lastly, to the right of having and using arms for self preservation and defence. These are also the birth-right liberties of Britons. Such they are upon *paper*. What are they in *fact* ? The first I have already considered rather diffusely by instances ; but, to shew the support I enjoy from that high authority, Coke, will proceed a little further in argument. Every subject is to have justice and right for the injury done to him, “ freely without *sale*, fully without denial, and speedily without *delay*.” — “ Justice must have three qualities, — it must be *free*, for nothing is more odious than justice set to sale ; *full*, for justice ought not to be deficient ; and *speedy*, for delay is a kind of *denial* *.” And these particulars have been excellently expounded by many subsequent statutes, which say that common right or common law shall not be disturbed or delayed ; even though it be commanded by the king ; but that the justices shall proceed to do right : all our judges swear this. “ The common laws of the realm (says Coke) shall by no means be delayed, for the law is the surest sanctuary that man can take, and the strongest fortress to protect the weakest. It is the best birth-right the subject hath, for thereby his goods, lands, wife and children, his body, life, honour, and estimation are protected from injury and wrong.” And yet, justice in this country, is *not free* ; statute has been added to statute, even in the present administration, to load it with expences ; even the benefits of the Habeas Corpus act (now threatened to be suspended, though James, a tyrant, thought it not expedient even when the Duke of Mon-

* Lord Coke.

mouth was in actual rebellion against him) are not to be obtained without purchase: glorious as its design was, and hard as it was struggled for, it must be *bought*, before it be enjoyed; and seems rather calculated for the benefit of offices, than for the security of freedom. Justice is grossly *deficient*, inasmuch as that a court of equity gives a decree, a court of law gives a verdict, but drops the suit there, leaving the claimant to recover his right at his own future expence. Justice is *not speedy*; but much more dilatory than in any other country upon earth. The very doors of our temple of justice are only open during three months out of twelve.

The right of petitioning parliament cannot be recurred to, without the oppressed individual can get a member in the mind to present his petition: and the oppressed have few friends. This was strongly verified in the forlorn case of the late Mr. Sutherland, Judge of the Vice-Admiralty Court in Minorca. And how was this blessed right productive in his applications to royalty? He petitioned (as he tells us) a gracious monarch, and a benign minister, incessantly during *seven years*, and received at last a bounteous reply from ——— his own pistol.

Sutherland! accept the tear of sensibility: I have no more to give, and thou art no longer in want of human kindness.

The right of keeping arms for self-defence; defence, not only of our persons, but (if necessary) of our constitutional rights; is mocked and insulted by game laws, in the execution of which, our magistrates virtually deny this privilege. Among the motives for these laws, "the prevention of popular insurrection and resistance to the government, by disarming the bulk of the people, is a reason oftener meant than avowed*." But of late, government has indeed been a little more open and avowed. We now see men of high rank, who have been bred to the profession of arms, in support of the constitution, dismissed, discarded, disgraced, merely because they have endeavoured to obtain a knowledge of those principles, which they were sworn to defend with their last blood †.

* Blackstone's Commentary.

|| So necessary is popular ignorance to the support of good government. — Thus, at the commencement of the American Revolution, it was told the people of that country, that "Committees of Correspondence were the foulest and most venomous serpent that ever issued from the egg of sedition."

MASSACHUSETTENSIS.

Thus prostrate lie the principles of the British constitution*. I might add, that Henry the Eighth's parliament, which gave to his proclamations the force of law, by that single blow, made a total subversion of what I call government, but with you is deemed *constitution*; and, to break it up completely, they framed this act as if it were only declaratory of the natural extent of the royal authority. I might observe that Charles I. governed without a parliament from 1629 to 1640. And lo! the reversed insult upon principle. Scarce was a parliament convened but it declared itself *perpetual*. I might comment upon the septennial bill, which originated in the assumption of powers, that, *ipso facto*, declared themselves independent of all control. I might ——— but I forbear. I will distress you no longer. I have said enough to shew that you can no longer pretend ignorance of the violated rights of the people. Will you then continue to profess surprize, that the thinking part of the people should desire to recur to first principles, to bring back the constitution to its rightful establishment? We are fully sensible that neither person nor property can ever be secure "until stability is given to government by a clear, concise, definition of all the parts, peculiar functions, and powers of the different branches of the constitution." Every constitution, not formed upon a fundamental declaration of rights, must be subject to very dangerous invasions. Nor can a people, whose rights are not thus ascertained, have any settled idea of liberty.

You, and your party, have but too long insulted us with the assertion that property is singularly secured in England. This we deny; and are willing to confine ourselves even to this single ground for the contradiction:—We say that property cannot be secure, while the House of Commons,

* It is observed with astonishment that our guardian lords, the Bishops, have not only not issued their execrations, but have openly acquiesced in these surreptitious encroachments.

§ That constitution, formed by sages,

The wonder of all modern ages:

Which owns no failure in reality,

Except corruption and venality:

And only proves the adage just,

That best things spoil'd, corrupt the worst.

M^r FINGAL.

which

which disposes of the national purse, is daily bought and sold in the purchase of rotten boroughs*.

The *partial* representation of the people also renders property insecure. "I have truly no property in that which another can by *right* take from me, when he pleases, against my consent†.

Such is the insult upon the people of England, that the House of Commons, the pretended representatives of the people, does not represent one *hundredth* part of the people. For instance, the city of Bath contains 30,000 inhabitants, the right of election is monopolized by about *thirty-one*. The city of Edinburgh contains 144,000 inhabitants; the number of electors is *nineteen*. The county of Yorkshire, which contains near a million of souls, sends two county members; so does the county of Rutland, which contains not a hundredth part of that number. The town of Old Sarum, which contains not three houses, sends two members: the town of Manchester, which contains sixty thousand souls, is not admitted to send any. The town of Marlborough sends two members, who are returned by two electors. Thus are our lives and properties disposed of! The same considerations apply equally to the safety of our persons.

There are laws, modern-made laws, which can deprive us of life for very paltry offences, viz. letting fish out of a pond, cutting down a cherry-tree, &c. &c. How often these are rigorously executed, is not the question; they are always ready to be executed, so that our security is gone. We are hereby rendered dependent upon the mercy of the monarch for that which we are positively entitled to from the frame of our constitution; which declares that excessive or cruel punishments shall not be inflicted.

"An Englishman is taught to love his king as his friend, but to acknowledge no other *master* than the *laws* which himself has contributed to enact ||." This, Sir, is

* There are a number of boroughs, which have at present no other trade than sending members to parliament, and whose inhabitants think the right of *selling themselves* and their country the only valuable privilege of Englishmen. Persian Letters. Let. 53.

† Locke on Government, part ii. ch. 17.

|| Citizen of the World. Let. 4.

the principle upon which we are acting; the due operation of this is what we claim in behalf of every class of Englishmen. And this (as Lord Coke says of Magna Charta) can grant no "new bounties," nothing which the people have not always had a right to, but is "a restitution intended to free them from the usurpations of every power whatever." In the 24th Edward I. it is enacted that no tax or aid should be levied for the king's use, from that time forth, *without the consent of the lords and the freemen of the kingdom*. The question, therefore, that we must urge is—*Whether taxes can be constitutionally levied upon those persons who are not represented in parliament?* This is the fair, honest point, which Mr. Fox, if he be really "The Man of the People," will bring forward in the House of Commons*.

But the truth is, that both ministers, and would-be ministers, are well aware that the interests of corruption depend upon the ignorance of the people.

It is indeed just now a most momentuous consideration, to an English citizen, to observe, with what anxiety our government endeavours to check the progress of political knowledge. But "why this dread lest the people (the *swinish multitude*, as their friend, Mr. Burke, calls them) should think too much, and reason too much on their own rights, and their own interests?"—"That cannot be a good government, which has not in itself a capacity of growing better." And how can this capacity be exercised in a government that startles at discussion?

We conclude the conduct of the individual to be bad, which will not bear examination. It is vice, not virtue, that avoids enquiry. "It is the right of canvassing without fear the conduct of those who are placed at their head (says De Lolme) that constitutes a free nation."

* During the regency dispute Mr. Fox reminded the Commons, that the Prince might send a message to both Houses, setting forth his claim, and requiring an immediate decision. But Mr. Fox knows, that the Prince's right in that case was merely legal, and subject to the control of the Commons; whereas, the right of the people to universal representation is constitutional, and liable to no control.

But

But the people of *this free land* are insidiously kept in a state of brutal ignorance and mental depression, that they may be led to regard their rulers as beings of a superior order. "Statesmen and priests well know that knowledge is the mortal enemy of state-craft and priest-craft; and therefore in all kingdoms, and in all ages, they have uniformly set their faces against discussion and enquiry. I beg my readers (of the lower class particularly, if this tract should happen to fall into their hands) to mark, that this is the cloven foot of despotism, by which it may always be known, whatever shape it may assume. Leave the care of your souls to me, says the priest; of your liberties and properties to me, says the statesman; pay your tithes and your taxes, and put your trust in us. But carefully avoid all writings, meetings, and conversations about articles of belief, or the rights of man: these are heretical and seditious. The means of knowledge are the wicked contrivances of Atheists and Republicans—wretches who despise the holy doctrine of infallibility in church and state *."

Such, Sir, is your very honourable employment; but do you imagine that our citizens will bear this very tamely?

To say that individuals shall not meet or associate, for the purpose of considering the constitution (as by law established, indeed we have no other), is to say that they shall never judge of oppressive statutes; never be enabled to instruct their representatives to move for the repeal of laws, which they feel to be partially injurious. Apply this to the shop-tax, and how would it ever have been repealed? Let the Dissenters and Roman Catholics apply this, and how are they to propose an alleviation of their sufferings? Let the people at large apply it, and how are they to collect the public mind, for the purpose of addressing the Houses of Parliament, or the throne, for the redress of grievances ||?

You

* Cooper's Reply to Burke's Invektive.

|| General Gage endeavoured to prevent the meetings of the Americans by a proclamation, declaring it illegal and traitorous to form combinations, as they were then doing. The Americans retorted the charge of

You treat us as the proprietors of the short annuities, in the infamous South-sea fraud, complained of being treated by the House of Commons—"first pick our pockets, and afterwards would send us to goal for complaining."

But, whenever your employers are pressed in this business by persons whom they cannot bully, we observe that, unable to face enquiry upon the fair ground of reason or of right, they are obliged to have recourse to shuffle and evasion, telling us that, if there are dormant rights belonging to the people, yet the present is "not a proper time" for the legislature to listen to the claim of them. Nor has it ever been a "proper time" during the present administration *. Nor will it ever be a "proper time" in the opinion of our rulers. But let us clothe this plea in a simple garb and examine it thus—I have for several years been in the books of a tradesman, who at length applies to me very earnestly for his money, assuring me that he can maintain his family, and continue his business in credit no longer without it. To this request I reply that, it is true, I owe him such a sum, but that the present is not a proper time to pay him in. "Not a proper time!" says he, "When can be the most proper time, but when I feel the want of it most? and who is to judge of this proper time; I, who best know my own wants and interests, and to whom the money is due, or you who have long supported your luxuries at my expence, and by whom it ought to be paid?"—"Go, go;" I add, "you are an impertinent fellow; and, was I now to let you have this money, you would soon become as insolent as many of your *neighbours* in the same business are reported to be."

of illegality on his own proclamation, and insisted that the law allowed British subjects to meet in order to consider of their grievances, and to associate for relief from oppression. And this is a truth that we learnt from the Bill of Rights, from Judge Blackstone, and all our constitutional lawyers.

* Yet both Mr. Pitt and the Duke of Richmond thought the time of war with France, Holland, and America, very proper for demanding a parliamentary reform.

The

The members of the House of Commons are the servants of the people; and these servants very respectfully say to their masters—it is not now a proper time to listen to you.

But Britons will never forget, and a British ministry ought not to forget that the noble struggle of America with the parent country was founded on this very point—an attempt to tax her people in the English parliament in which they were not represented. After the battle of Bunker's-hill, the Americans published a formal justification of their proceedings, well calculated to excite attention. "Government (say they) was instituted to promote the welfare of mankind, and ought to be administered only for the attainment of that end. But, the English parliament, assuming a new power, has undertaken to give and grant our money without our consent, though we have a constitutional right to dispose of our own property. Statutes have been passed for depriving us of the accustomed and inestimable rights of trials by juries, in cases affecting both life and property; and for altering fundamentally the form of government, established by charter, secured by acts of its own legislature, and solemnly confirmed by the crown; and for quartering soldiers on us in time of a profound peace.

"What is to defend us against so enormous, so unlimited a power! Not a single person who assumes it, is chosen by us, or is subject to our control. We saw the misery to which such despotism would reduce us. We for ten years incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with parliament in the most mild and decent language. We are reduced to the alternative of choosing an unconditional submission to tyranny, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Honour, justice, and humanity, forbid us tamely to surrender that freedom, which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us." And this reasoning is not supported only by what are called the "ravings of Tom Paine," but by the immortal genius of Mr. Locke, the ornament of his own country, and an honour to human nature, who is

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quoted

quoted to this effect by Judge Blackstone: If the legislature should "be changed from that which was originally set up by the general consent and fundamental act of the society; such a change, however affected, is at once an entire dissolution of the bands of government; and the people are thereby reduced to a state of anarchy, with liberty to constitute themselves a new legislative power."

You, Sir, in your repeated addresses, tell us that we have no grievances, that government may go on very well as it is, and that the bulk of the people are of that opinion *. This was said of the government of Rome, when ruin was at her gates; of the French government, but a few hours before the storming of the Bastille; has been said indeed of all governments but the day before they were destroyed. But, have you the assurance to presume that in this enlightened country, the people are blind to their real interests; or that a great majority of them are not anxious to adopt (by temperate and peaceable means, for such alone is our wish) a measure that promises immediate release from all direct taxes; which would certainly be effected by the annihilation of nominal places and unmerited pensions, were the people justly represented.

Your friend, Mr. Wyndham too, thinks matters very well as they are. They may be very well for him as long as he can retain a snug seat in the house; but is the continuance of corruption well for the people? He may tell us that there is no such thing as corruption among the Commons. Thus Sir Robert Walpole told us; nay, told us that it was impossible to issue the people's money for that purpose; and yet it was at length proved before a committee of the House, that he had maintained his political influence solely by a most monstrous corruption.

I was going, Sir, before we part, to give you a challenge on the score of principle; to call upon you to state the tenets upon which you ground your present conduct, pledging myself, and all the advocates for a parliamentary reform, that we will, as far as they essentially differ from

* "Show, clear as Sun in noon day heavens,
We do not feel a single grievance;
Demonstrate all our opposition
Sprung from the eggs of foul sedition."

M^YTINGAL.

our

our own, most clearly and candidly refute them. But I recollect myself. Principles are rigid sturdy things; and you ministerial associates can deal only in points flexible and obsequious as your whole undertaking.

The politics adopted by us have nothing secret, nothing dark, nothing of reserve in them. Being directed to an honest purpose, they feel no necessity for disguise. As to Levellers, Republicans, and Assassins,—these form a cry which, we trust, will no longer cajole and draw off the public mind from the one thing needful. But, if there even exist such men in the country, what are they to us? We say in four words: *We know them not.* We venerate the constitutional form of king, lords, and commons. “We desire to overthrow no property but what has been raised on the ruins of our liberty. We look with reverence on the landed and commercial interests of our country; but we view with abhorrence” the traffic that is made of the rights of the people.* This execrable trade we see and feel to be the cause of the enormous debt under which we labour; of the monstrous expence of our government; of the multitude of sinecure places and pensions, which exist only as the wages of venality; of an endless train of unconstitutional taxes; and, last of all, Sir, your rational, disinterested, honest engagement to silence the voice of complaint.

We charge you as the enemies of that constitutional fabric which you profess to prop and preserve; while we boast ourselves to be its best supporters*. It is your endeavour to continue it in deformity, to add to its tottering state, and consequently to impel its growing decay: it is ours to underbuild it substantially, to remove its rotten buttresses, to repair its bulges, and render it thoroughly drop-dry. You desire to perpetuate the patches in the garment, to retain the rags and filth of the body politic: we wish to wash, to purify, and give it a new coat——
but off the old piece.

* “It being the interest, as well as the intention of the people to have a fair and equal representation, whoever brings it nearest to that, is an undoubted friend to, and establisher of the government, and cannot miss the consent and approbation of the community.” Locke, c. 13. sect. 158.

We remind your employers that the will of the majority ought to form the constitution of every country; nothing else can afford stability and peace; for, as the end of all government is the good of the people, so the strength of government must lie in the consent of the people; and this, it was that gave birth to the maxim of *Vox populi, vox Dei*. The remedy, for all their terrors and apprehensions, is in their own hands.

If the minister wishes to form a powerful phalanx against the external enemies of our constitution, the most certain way must be to restore to every man his influence and interest in the government. Let him be just within the empire, and he needs to fear no foes from without. Let him honestly meet the general will, if he wishes to prevent those commotions, which too often and too suddenly arise from stifled discontents. Let him re-establish the people in their long-lost rights, and constitutional societies would exist no longer*. The merited affection of the governed is the only firm foundation of all human governments.

I am, Sir,

A FRIEND TO THE CONSTITUTION.

London, Jan. 1, 1793.
To JOHN REEVES, Esq.

* "Another advantage, which ought to recommend the measures you are pursuing to every friend to the national peace and quiet of the kingdom, is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavouring to redress themselves by mobs and tumults." Again—"When the people are fairly, and equally represented in parliament, when they have annual opportunities of changing their deputies, and through them of controlling every abuse of government in a safe, easy and legal way, there can be no longer any reason for recurring to those very dangerous, though sometimes necessary, expedients of an armed force, which nothing but a bad government can justify." Duke of Richmond to the Irish Volunteers.

T H E E N D.

